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## CITY COMMISSION MINUTES

October 5, 2010

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, October 5, 2010 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Gerry Vernon, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

### PUBLIC COMMENT

Ken Dunham of Hoover Rd. stated that According to Chuck Otte, biosolids materials would need to be put into the ground. The farmers in the area do not want the material. He stated that he is worried because the land is in a flood plain and could get into the river.

Jimmy Berch of 1417 Hoover Rd said that he feared that the biosolids would go to the river. He stated that Topeka is already having problems with their water.

Robert Davis of 1205 Hoover Rd stated that he is worried his property value will decrease. He said he is worried that his grandchildren may come into contact with the biosolids. He stated that if the land is used for this purpose it would be difficult to sell in the future; the bank of the river is already washing out.

Kelly Seally of 701 S. Clay St. commented on item 8d, and stated that he is worried that his property value may go down if duplexes are built in the area.

### CONSENT AGENDA

The consideration and approval of **Appropriation Ordinance A-19-2010** dated September 16, 2010 to September 29, 2010 in the amount of \$1,746,321.07. Commissioner Heldstab moved seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

Approval of the **September 21, 2010** City Commission Meeting Minutes. Commissioner Heldstab moved seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Payroll #18 & 19 for the month of September 2010. Commissioner Heldstab moved seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

Monthly Reports:

1. Police Department

## 2. Finance Review

The consideration and approval of Amendment No. 3 by Burns & McDonnell for additional Construction Observation Services for Well #18, increasing the contract amount by \$16,500.00. Commissioner Heldstab moved seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Amendment No. 4 by Burns & McDonnell to amend Scope of Services for Water Supply Well No. 18, increasing the contract amount by \$5,000.00. Commissioner Heldstab moved seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of final pay estimate #11 in the amount of \$19,771.43 by Larkin Excavating, Inc. for Construction services through March 17, 2010 for the Spring Valley Road – McFarland Road to Wildcat Lane project. This project is 100% complete as of this pay estimate. Commissioner Heldstab moved seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

## **SPECIAL PRESENTATIONS**

A proclamation recognizing October as National Breast Cancer Awareness Month. Mayor Rhodes presented the proclamation.

A proclamation recognizing October 3<sup>rd</sup> – October 9<sup>th</sup>, 2010 as Fire Prevention Week. Mayor Rhodes presented the proclamation.

A proclamation recognizing October 23, 2010 as Buddy Poppy Day. Mayor Rhodes presented the proclamation.

A proclamation recognizing October as Domestic Violence Awareness Month. Mayor Rhodes presented the proclamation.

City of Junction City snow removal plan update presentation. (Exhibit A)

## **PUBLIC HEARING**

## **UNFINISHED BUSINESS**

The Consideration and approval of ordinance (**G-1081**) amending Title V, Building and Construction, Title VII, Utilities, of the Municipal Code of the City of Junction City by revising language regarding what improvements may be made in lands dedicated as rights-of-way and/or easements and clarifying the permitting and fee requirements for driveways and lawn sprinkler systems. (**Final Reading**) **Yearout**. Commissioner Talley asked if fences could obstruct waterways. Dave Yearout stated that fences would not be allowed to create dams. Commissioner Heldstab moved, seconded by

Commissioner Talley to approve G-1081 on final reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of a farmland lease agreement with NutriJect for the Kaw Valley Industrial Park farmland. Commissioner Johnson stated that he has no problem with this product being placed in the City; demand for the biosolids does not appear to be high. Commissioner Johnson would like the lease to go to the next highest bidder. City Attorney Logan stated that she checked City code, and the application of biosolids in the City is not illegal. Commissioner Johnson stated that the City should keep what can be built on at the industrial park, and sell the remainder. Mayor Rhodes stated that the next highest bidder was at \$16,000 per year. Commissioner Talley suggested that the biosolids could be applied at the airport. Chief Steinfort stated that there is a small amount of grass there. Commissioner Heldstab stated that he is worried that the \$10,000.00 in saving from NutriJect could be lost if the land is not used. Steve Hoambrecker Provided a letter from KHDE to the Commission in support of NutriJect as a quality company. Steve Hoambrecker stated that NutriJect having control of the land and proximity to the plant are advantages for NutriJect. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve bid to Dibben Land & Cattle Co. for 3 years at \$16,000 per year with the understanding that biosolids will not be applied to the land. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

## **NEW BUSINESS**

The consideration and approval of Ordinance **G-1082** updating City code regarding the Junction City/Geary County Animal Shelter. **(First Reading)**. Commissioner Johnson stated that it should be illegal to keep a dog on a chain in the City. Commissioner Heldstab stated that this is an example of government control which Commissioner Johnson is typically opposed. Commissioner Taylor asked if the Animal Shelter can microchip the animals they receive. Mrs. Alt stated that it would be cost prohibitive; the chip can be done for a charge. Commissioner Johnson asked if the shelter had any impact or control over the business across from Dillon's that sells animals in their parking lot. Mrs. Alt stated that there is none. Commissioner Taylor moved, seconded by Commissioner Johnson to approve G-1082 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval to acknowledge the immediate condemnation and the consideration and approval to Request Bids for the demolition of 316 W. 15<sup>th</sup> St. **Mark Karmann Presenting.** Mark Karmann stated that utilities would need to be removed from the property prior to demolition. Mark Karmann stated that the owners kept a large number of dogs in the home that ultimately had to be euthanized by the state for health reasons. Mark Karmann stated the property is no longer able to be lived in. Commissioner Johnson moved, seconded by Commissioner Talley to approve to Request Bids for the demolition of 316 W. 15<sup>th</sup> St and City Manager Vernon will determine the best bid provided it is under \$10,000.00. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance S-3086 a request to rezone the property at 416 West Spruce from "RD" Duplex Residential to "PDD" Planned Development District. **Dave Yearout Presenting (First Reading)**. Dave Yearout stated that zoning change will result in a positive addition to the community. Commissioner Taylor asked if parking is available. Dave Yearout stated that the project meets parking requirements. Commissioner Johnson stated that he thinks this looks like a good use for the property. Commissioner Johnson moved, seconded by Commissioner Talley to approve S-3086 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance S-3087 a request to rezone the property at the northwest corner of Webster St and Pine St. from "RG" General Residential to "RD" Duplex Residential. **David Yearout Presenting (First Reading)**. Commissioner Johnson stated that he understands the concerns of the home owners in the area regarding the building of duplexes. David Yearout stated that the correct tool to use in this situation is the PDD and not a straight rezone. David Yearout stated that a PDD would take more time since it will require another hearing. Larry Johnson stated that the project fits what is there now. He stated that six duplexes would not fit in the lot; the plan is two duplexes and four single family homes. Mayor Rhodes asked why there is objection to the PDD route. Larry Johnson stated that there is no need to give the government more control. Commissioner Johnson stated that the developers for this project could be trusted because they are known and local. Mayor Rhodes stated that treating people different in this way does not work; why open a can of worms. Commissioner Johnson stated that he would go by his gut feeling. Commissioner Heldstab stated that he is hesitant to reverse the recommendation of the MPC. David Yearout stated that the process for the PDD could not be sped up. Commissioner Talley moved, seconded by Commissioner Johnson to approve the rezoning of the East 4 lots to "RD" Duplex Residential. Ayes: Heldstab, Johnson, Talley, Taylor. Nays: Rhodes. Motion carried.

#### **COMMISSIONER COMMENTS**

Commissioner Taylor thanked those who helped with the Barton Community College fundraiser; funds went to Wounded Warriors. He also thanked the Fire Department for helping with the installation of a child car seat.

Commissioner Johnson stated that he thinks requiring fences and pens instead of chains for dogs in City limits is a good idea.

Commissioner Heldstab stated that he intends to attend the AUSA conference in Washington DC, and is working with Military Affairs for funding.

#### **STAFF COMMENTS**

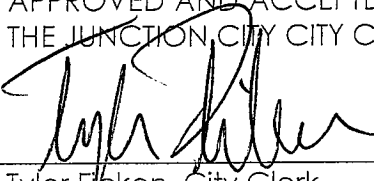
City Manager Vernon stated that the City has split a table with Veolia for the Junction Function event and would like to know which Commissioners plan to attend.

#### **EXECUTIVE SESSION**

## ADJOURNMENT

Commissioner Johnson moved, seconded by Commissioner Talley to adjourn at 9:15 PM  
Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 19th DAY OF OCTOBER 2010 AS THE OFFICIAL COPY OF  
THE JUNCTION CITY CITY COMMISSION MINUTES FOR OCTOBER 5, 2010.



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Tyler Ficken, City Clerk



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Mike Rhodes, Mayor